IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 17746 of 2006
Date of Decision: 10.11.2006

Kailash Chand . ... Petitioner

Versus

State of Punjab and another. .. Respondents

CORAM : Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Mr. Vipin Mahajan, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner retired as Mechanic from the Ranjit Sagar Dam, Shahpur Kandi, on attaining the age of superannuation on 31.08.2005. Consequent upon his retirement, the petitioner became entitled to various retiral benefits including gratuity. However, so as to effect recovery of seven increments earlier granted to the petitioner, the authorities have not released the gratuity to the petitioner. In order to claim gratuity, the petitioner issued a legal notice dated 24.08.2006. It is, however, pointed out that no decision has been taken thereon till date. Learned counsel for the petitioner states, that the petitioner will be satisfied, if the instant writ petition is disposed of, with a direction to respondent No.2 i.e. the Chief Engineer, Irrigation, Ranjit Sagar Dam Construction Board, Shahpurkandi, requiring him to take a final decision on his legal notice dated 24.08.2006 (Annexure P-6).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondent Nos.1 to 4. Learned counsel for the respondents states, that he has no objection, if the instant writ

petition is disposed of in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition, with a direction to respondent No.2 i.e. the Chief Engineer, Irrigation, Ranjit Sagar Dam Construction Board, Shahpurkandi, to take a final decision on the legal notice dated 24.08.2006 (Annexure P-6) by passing a well reasoned speaking order, within three months from the date of receipt of the certified copy of the order. In case the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to the petitioner within a further period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

November 10, 2006
vkd

(S.D. Anand)
Judge